

## SUMMARY REPORT OF INVESTIGATION

### I. EXECUTIVE SUMMARY

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Date of Incident:	February 12, 2018
Time of Incident:	8:30 PM
Location of Incident:	XXXX W. Grand Ave. Chicago, Illinois 60651
Date of COPA Notification:	February 13, 2018
Time of COPA Notification:	9:33 AM

On February 12, 2018, at approximately 8:30 p.m., Gang Enforcement-North Team XXXX, conducted a surveillance arrest of complainant Subject 1 (“Subject 1”) after observing an alleged narcotics transaction. Subject 1 alleges that Officer A #XXXX (“Officer A”) and Officer B #XXXX (“Officer B”) asked him for guns or drugs in exchange for his release and subsequently strip searched him at the XX<sup>th</sup> District. Subject 1 further alleges that Officers A and B harass him by frequently stopping him without justification. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations and recommends that they be Unfounded.

### II. INVOLVED PARTIES

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Involved Officer #1:	Officer A, Star #XXXX, Employee ID #XXXX, DOA: XX/XX/04, Rank: Police Officer, Unit of Assignment: XXX Gang Enforcement – Area North, DOB: XX/XX/79, Male, White.
Involved Officer #2	Officer B, Star #XXXX, Employee ID #XXXX, DOA: XX/XX/94, Rank: Police Officer, Unit of Assignment: XXX Gang Enforcement – Area North, DOB: XX/XX/69, Male, Hispanic.
Subject #1:	Subject 1, DOB: XX/XX/94, Male, Black.

### III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged by Subject 1 that on or about February 12, 2018, near the vicinity of XXXX W. Grand Ave. Chicago, Illinois 60651, at approximately 8:30 p.m., Officer A asked Subject 1	Unfounded

	<p>for guns or drugs in exchange for his release in violation of Rules 1 and 2.</p> <p>2. It is alleged by Subject 1 that on or about February 12, 2018, at the location of the XX<sup>th</sup> District at approximately 8:30 p.m., Officer A performed a strip search of Subject 1 in violation of Rule 6.</p> <p>3. It is alleged by Subject 1 that Officer A harasses Subject 1 by frequently stopping him without justification in violation of Rules 1 and 2.</p>	Unfounded
Officer B	<p>1. It is alleged by Subject 1 that on or about February 12, 2018, near the vicinity of XXXX W. Grand Ave. Chicago, Illinois 60651, at approximately 8:30 p.m., Officer B asked Subject 1 for guns or drugs in exchange for his release in violation of Rules 1 and 2.</p> <p>2. It is alleged by Subject 1 that on or about February 12, 2018, at the location of the XX<sup>th</sup> District at approximately 8:30 p.m., Officer B performed a strip search of Subject 1 in violation of Rule 6.</p> <p>3. It is alleged by Subject 1 that Officer B harasses Subject 1 by frequently stopping him without justification in violation of Rules 1 and 2.</p>	Unfounded Unfounded Unfounded

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

**Rule 1:** Violation of any law or ordinance.

**Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

**Rule 6:** Disobedience of an order or directive, whether written or oral.

**Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.

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##### General Orders

**General Order G06-01-01:** Field Arrest Procedures

**General Order G06-01-03:** Conducting Strip Searches

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**Federal Law**

**United States Constitution 4<sup>th</sup> Amendment:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## V. INVESTIGATION

COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

### a. Interviews

COPA conducted **Subject 1's** ("Subject 1") audio statement on March 21, 2018. Subject 1 stated that on or about February 12, 2018, at approximately 8:30 PM, he was pulling into the Mobil gas station located on Grand and Central Avenue with his girlfriend, Civilian 1, and his daughter when he was blocked in by an unmarked police vehicle.<sup>1</sup> Subject 1 stated three officers opened his driver's side door, pulled him out, handcuffed him, and placed him in the back of the police vehicle without justification. Subject 1 gave a description of the arresting officers and referred to the officers as Officer 1, Officer 2, and Officer 3. Upon further investigation, COPA was able to match the descriptions to Officers C, D, and B.

Subject 1 stated he was taken to the police station located on Grand and Central.<sup>2</sup> He recalled being taken to the second floor into a cell with glass on the door. In the cell, Subject 1 stated all three officers were present but he was asked by Officer 2 to strip down to his underwear. Subject 1 stated that Officer 2 then took off Subject 1's underwear, put a glove on his hand, and inspected Subject 1's private areas for drugs. Subject 1 stated that he was then allowed to get dressed and was handcuffed to a bench in the room for an hour. Subject 1 stated Officer 2 asked him to turn over three guns in exchange for his release. Subject 1 told Officer 2 he didn't have three guns and he was subsequently presented with charges of driving on a suspended license.

Subject 1 stated the three officers have stopped him on five separate occasions. Subject 1 recalled being charged with driving on a suspended license, soliciting unlawful business, and manufacture and delivery.<sup>3</sup> Near the end of the statement Subject 1 stated the arresting officers were Officers A and B.<sup>4</sup>

COPA conducted witness **Officer D's # XXXX** ("Officer D") audio statement on May 8, 2018. Officer D is a 5'10, 160lbs, White male.<sup>5</sup> Officer D stated that on February 12, 2018, he was not wearing a Body Worn Camera ("BWC") because the Chicago Police Department

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<sup>1</sup> COPA attempted to interview Civilian 1, however, she failed to return COPA's calls.

<sup>2</sup> 25<sup>th</sup> District

<sup>3</sup> Attachment 15 – Including the arrest on February 12, 2018, Subject 1 has been arrested by Officers A and B three other times. CB # 195XXXX; 195XXXX; 196XXXX

<sup>4</sup> Attachment 7

<sup>5</sup> Attachment 29

(“CPD”) did not require unit XX to wear a BWC. He stated he was working with his partner Officer B in a three-man car with Officer C # XXXX (“Officer C”). Officer D stated he was in the passenger’s side, Officer B was the driver, and Officer C was seated in the back seat. Officer D stated Officer A was conducting surveillance at the vicinity of XXXX W. Grand Ave. when he observed a narcotics transaction.

Officer D stated Officer A relayed via radio communication a description of Subject 1 and the vehicle he was in to Officers D, B, and C. Officer D stated he and his partners stopped the vehicle on Grand Ave. by activating their emergency lights and sirens. Officer D stated Officer B approached the driver’s side window and observed Subject 1 not wearing a seat belt and emitting a strong odor of cannabis. Officer D stated he approached the passenger’s side of vehicle while Officer C stayed near the rear of the vehicle. Officer D stated Subject 1 was alone in the vehicle. Officer D stated Officer B asked Subject 1 for his driver’s license and insurance but Subject 1 could not provide either. Officer D stated Officer B asked Subject 1 to step out of the vehicle which Subject 1 did without incident. Once outside of the vehicle, Officer D stated Officer B performed a custodial search and recovered a bag of cannabis. Officer D stated he and Officer B arrested Subject 1 and transported him to the XX<sup>th</sup> District while Officer C drove Subject 1’s vehicle to the XX<sup>th</sup> District to be impounded.

Officer D stated that while being transported to the XX<sup>th</sup> District, Subject 1 stated he did not want to be arrested and wanted to make a deal with Officers D and B where he would provide them with information on the recovery a weapon if Subject 1 could keep his vehicle and not be arrested. Officer D stated Subject 1 told them that he could provide them with information which they could confirm later. Officer D stated Subject 1’s also stated that he could only provide them with the information if he was released. Officer D stated that was the end of the conversation and Subject 1 did not provide information regarding a gun nor was he released.

Once at the station, Officer D stated he and Officer B brought Subject 1 into the station through the back and went up to the second floor where Subject 1 was placed in a small room. Officer D stated he performed a custodial search of Subject 1 and asked him to remove all extra layers of clothing and remain in one shirt, pants, outer jacket, socks and shoes. Officer D described the custodial search as a search of Subject 1’s personal property, including his pockets. Officer D stated only he and B were in the room with Subject 1 and he never saw Subject 1 naked in the cell or a strip search being conducted of Subject 1. Officer D stated he had no knowledge that a strip search was ever performed on Subject 1. Officer D stated that following the custodial search, Subject 1 was handcuffed to the bench for officer safety while he and Officer B completed Subject 1’s paperwork. Officer D stated that a K-9 was called for a money sniff and after a positive indication, Subject 1’s currency was seized.

Officer D stated that once the arrest was approved, Subject 1 was taken downstairs to the XX<sup>th</sup> District lockup took custody of Subject 1. Officer D further stated that at no time did he hear Officers B or A ask Subject 1 for guns or drugs in exchange for his release in this incident or the three other arrests conducted of Subject 1. Officer D stated the prior arrests were narcotics and traffic related. Officer D further stated that Officer A was the surveillance officer in this incident and he did not have any interaction with Subject because for officers’ safety the surveillance officer should not have interactions with the offender.<sup>6</sup>

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<sup>6</sup> Attachment 42

COPA conducted witness **Officer C's # XXXX** ("Officer C") audio statement on May 8, 2018. Officer C is a 5'07, 205lbs, Hispanic male.<sup>7</sup> Officer C stated that on February 12, 2018, he was not wearing a BWC because unit XXX is not issued BWCs. He stated his partner is Officer A but on February 12, 2018, he was working in a three-man car with Officers D and B. Officer C stated he was in the back seat, Officer B was the driver and Officer D was in the passenger's seat. Officer C stated Officer A was conducting surveillance at the vicinity of XXXX W. Grand Ave., when he observed a narcotics transaction and gave Officers B, D, and C a description of Subject 1 and the vehicle he was driving.

Officer C stated the officers stopped Subject 1's vehicle. Officer C stated Officer B approached the driver's side of the vehicle and asked Subject 1 for his driver's license and insurance. Officer C stated Officer D approached the passenger's side and he stayed near the rear of the vehicle behind Officer B. Officer C stated Officer B asked Subject 1 to exit the vehicle and Officer C went towards Subject 1's vehicle to look for any weapons accessible within reach. Officer C stated that he did not search the vehicle. Officer C stated that Subject 1 was taken near the rear of Subject 1's vehicle by Officers B and D and he lost sight of the three. Officer C stated he did not see Subject 1 placed in handcuffs. Officer C stated Subject 1 was placed in the back of the squad car and transported to the XX<sup>th</sup> District by Officers B and D while he drove Subject 1's vehicle to the XX<sup>th</sup> District.

Officer C stated that at the XX<sup>th</sup> District he conducted a search of the vehicle and assisted Officers B and D with Subject 1's paperwork. Officer C stated he did not recall having any contact himself with Subject 1. Officer C stated that he did not see Officers B and D's interaction with Subject 1, because by the time he arrived at the XX<sup>th</sup> District, Officers B and D were filling out the paperwork.

Officer C stated neither Officers B or D told him about any conversations they had with Subject 1 regarding the recovery of a weapon while being transported to the XX<sup>th</sup> District. Officer C stated that neither Officer B or D told him they asked Subject 1 for a weapon in this incident or Subject 1's prior three arrests. Officer C stated that Subject 1's prior arrests were narcotics and traffic related. Officer C stated he had no knowledge of a strip search ever being conducted of Subject 1.<sup>8</sup>

COPA conducted accused **Officer A's # XXXX** ("Officer A") audio statement on May 7, 2018. Officer A is a 5'09, 160lbs, White male. Officer A stated that on February 12, 2018, he was not wearing a BWC and the vehicle he was in was not equipped with an in-car camera. Officer A stated that he was alone in his vehicle conducting surveillance at the intersection of Division and Lawndale when he observed Subject 1, who he has previously arrested in the same area. Officer A stated he observed a narcotics transaction between Subject 1 and an unknown Hispanic Male at the gas station located on XXXX W. Grand Ave. Officer A stated he then informed Enforcement Officers D, B, and C of what he saw and gave them a description of the vehicle Subject 1 was in and the direction of travel. Officer A stated Officers D, B, and C were aware of who Subject 1 was from previous arrests. Officer A stated he observed the enforcement officers stop the vehicle Subject 1 was in and returned back to his surveillance location. Officer A stated he did not see the actual stop. Officer A stated he was informed by the enforcement officers that everything was okay with regards to the arrest at which time Officer A returned to the XX<sup>th</sup> District. Officer A stated that he assisted the enforcement officers with Subject 1's

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<sup>7</sup> Attachment 30

<sup>8</sup> Attachment 43

paperwork. Officer A stated he was not in the cell with Subject 1 and the enforcement officers at any moment.

Officer A stated the enforcement officers told him they stopped the vehicle, observed Subject 1 was not wearing a seat belt, had no driver's license, and placed him in custody based on having a suspended license. Officer A stated that during the custodial search they found a bag of cannabis. Officer A stated he did not know where the custodial search was done. Officer A stated a custodial search is a search done to check for guns or drugs and it can be performed either on the scene or at the station. Officer A stated one of the enforcement officers drove Subject 1's vehicle to the XX<sup>th</sup> District to be impounded.

Officer A stated that on February 12, 2018, he never had any personal contact with Subject 1. Officer A stated that he never became aware of a strip search being conducted on Subject 1. Officer A stated a strip search is performed only after a Lieutenant orders an officer to perform one. Officer A stated that he has arrested Subject 1 a total of four times for narcotics and traffic violations. Officer A stated that he did not ask Subject 1 for guns or drugs in exchange for his release during any of the arrests. Officer A stated that Subject 1 has in the prior arrests offered to give Officer A a gun in exchange for him keeping his vehicle. Officer A stated he told Subject 1 the police did not make deals, however, if he wanted to provide information to help the community he could but he would not be released in exchange for the information. Officer A could not recall if a gun has ever been recovered based on information Subject 1 provided.<sup>9</sup>

COPA conducted accused **Officer B's # XXXX** ("Officer B") audio statement on May 7, 2018. Officer B is a 5'08, 135lbs, Hispanic Male. Officer B stated that on February 12, 2018, he did not wear a BWC and the vehicle he was in did not have an in-car camera. Officer B stated surveillance Officer A informed him and Enforcement Officers D and C that Subject 1 conducted a hand-to-hand narcotics transaction. Officer B stated Officer A gave the enforcement officers a description of the vehicle, the license plate number, and direction of travel. Officer B stated he saw the vehicle going eastbound and curbed the vehicle on Grand Ave. Officer B said he approached the vehicle and asked Subject 1 for his driver's license. Officer B stated Subject 1 was asked to step out the vehicle and Subject 1 was placed under arrest for having a suspended license. Officer B stated he performed a custodial search of Subject 1 on scene and found a green leafy substance suspect cannabis. Officer B stated the custodial search was done by going into Subject 1's pockets and patting him down for weapons.

Officer B stated he and Officer D transported Subject 1 to the XX<sup>th</sup> District. Officer B stated that while being transported, Subject 1 pleaded with him and Officer D to be released. Officer B stated Subject 1 offered a gun for his release and Officer B stated that it wasn't going to happen. Once at the station, Officer B stated Subject 1 was placed in a holding cell and asked to remove all clothing and remain in one layer. Officer B stated he and Officer D were in the cell with Subject 1 and that Officer D conducted a custodial search. Officer B recalled Officer D going through Subject 1's pockets and asking him to remove his shoes, laces, socks, belt, and personal effects. Officer B stated that at no time was Subject 1 naked in the cell and that a strip search was not conducted on Subject 1. Officer B stated a strip search is conducted only after authorization by a Lieutenant. Officer B stated he took custody of Subject 1's money at that time and called K-9 to conduct a money sniff. Officer B stated Subject 1 offered information about a gun in exchange for the return of his money.

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<sup>9</sup> Attachments 32, 33

Officer B stated he did not ask Subject 1 for guns or drugs in exchange for his release in this case or prior arrests. Officer B stated Subject 1 was previously arrested for narcotics and traffic violations. Officer B stated Subject 1 has offered a gun in exchange for his release multiple times and he and his team did follow up on information Subject 1 relayed, however, Subject 1 was arrested and Officer B could not recall if a gun was recovered.<sup>10</sup>

#### b. Digital Evidence

COPA requested **Body Worn Camera and In-Car** video of Officer B and Officer D #XXXX. None was found.<sup>11</sup>

COPA conducted a walkthrough of the holding cells at the XX<sup>th</sup> district. The holding cells are not equipped with video cameras. **Photographs** were taken to document Subject 1's description of the holding cells.<sup>12</sup>

#### c. Documentary Evidence

**Original Case Incident Report RD # XXXXX** includes a similar narrative as the Arrest Report CB #XXXXX.<sup>13</sup>

**Arrest Report CB # XXXXX** includes a summary of Subject 1's arrest. In summary, the report states that Area North Gang Enforcement Team XXXX conducted a surveillance arrest of Subject 1. It further states, Surveillance Officer observed a narcotics transaction and notified Officer B of the vehicle make and model. The report also states that Officer B stopped the vehicle after seeing Subject 1 without a seat belt and upon approaching, Officer B detected the odor of cannabis. It states that after further investigation it was revealed that Subject 1's driver's license was suspended. The report indicates that Subject 1 was arrested and transported to the XX<sup>th</sup> District where a custodial search was performed. It also states that a K-9, "Chucky," gave a positive indication for the presence of narcotics odor on the United States currency seized from Subject 1.<sup>14</sup>

### VI. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard.

Subject 1 alleged that Officers A and B: (1) asked him for guns or drugs in return for his release; (2) performed a strip search of Subject 1; and (3) harass him by frequently stopping him without justification. After analyzing the evidence, COPA determined the allegations were not based on the facts revealed through the investigation.

Evidence shows that on February 12, 2018, Officer A was the surveillance officer

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<sup>10</sup> Attachment 3

<sup>11</sup> Attachment 13

<sup>12</sup> Attachment 14

<sup>13</sup> Attachment 6

<sup>14</sup> Attachment 10

during Subject 1's arrest and did not have any interactions with Subject 1. Witness Officers D and C corroborate that after Officer A relayed Subject 1's information, he returned to his surveillance location. Officer A stated he only assisted the enforcement officers with Subject 1's paperwork. COPA determined Subject 1 did not have any interactions with Officer A. Based on the arresting officer descriptions Subject 1 provided, COPA determined he was describing enforcement Officers B, D, and C. After reviewing all the evidence, COPA did not believe it was appropriate to serve Officers D or C with allegations.

Officer interviews suggest that Subject 1 offered information about a gun in exchange for his release in this incident and prior arrests. Specifically, in this incident, evidence suggests Subject 1 told Officers D and B he was only selling marijuana and could get them a gun if his vehicle and money were returned. Subject 1 recalled being arrested five times by Gang Enforcement-North Team XXXX, in fact Subject 1 has been arrested a total of four times including this incident. In each incident Subject 1 has been arrested, fully processed, and only released on bond. During one of the prior arrests, Officer B recalled he and his team followed up on information Subject 1 provided but did not recall if a weapon was recovered. Following up on information regarding guns or drugs is an officer's duty and an attempt to promote the Chicago Police Department's goal of safeguarding the community.

In safeguarding the community, Gang Enforcement-North Team XXXX, conducts surveillance at the vicinity of XXXX W. Grand Ave. to prevent gang activity and narcotic sales. Subject 1 is known to frequent the area. Officer B stated he sees Subject 1 in the area three to four times a week. While Subject 1 may feel that Gang Enforcement-North Team XXXX harasses him by frequently stopping him without justification, each arrest has been approved for probable cause to arrest and charges. Based on documentary and interview evidence, in each arrest, the officers have observed Subject 1 engaging in narcotics related activities or traffic violations.

Evidence further shows that Officers A and B did not perform a strip search on Subject 1. A strip search is conducted only when there is reasonable belief that an individual is concealing a weapon or a controlled substance.<sup>15</sup> It is conducted after obtaining written permission from a police commander or an agent designated for authorizing strip searches. After the search is conducted, a written report must be completed with the name of the person subjected to the search, names of the persons conducting the search, time, date, and place of the search. A copy of the report must be provided to the person subjected to the search.<sup>16</sup> In this case, there was no reasonable belief that Subject 1 was concealing a weapon or a controlled substance. A custodial search was conducted of Subject 1 on scene which produced a bag of cannabis. Officer B was the arresting officer in the two prior arrests of Subject 1 for narcotics. In those arrests, Subject 1 was not strip searched and there is no evidence to suggest that a strip search was necessary in this third narcotics case. Furthermore, there is no written permission by a police commander for a strip search or a strip search report.

In weighing the facts against the evidence, nothing suggests that the allegations have merit or occurred. For the aforementioned reasons, COPA recommends the finding of Unfounded.

## **VII. CONCLUSION**

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<sup>15</sup> General Order G06-01-03: Conducting Strip Searches

<sup>16</sup> General Order G06-01-03: Conducting Strip Searches

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	<p>1. It is alleged by Subject 1 that on or about February 12, 2018, near the vicinity of XXXX W. Grand Ave. Chicago, Illinois 60651, at approximately 8:30 p.m., Officer A asked Subject 1 for guns or drugs in exchange for his release in violation of Rules 1 and 2.</p> <p>2. It is alleged by Subject 1 that on or about February 12, 2018, at the location of the XX<sup>th</sup> District at approximately 8:30 p.m., Officer B Performed a strip search of Subject 1 in violation of Rule 6.</p> <p>3. It is alleged by Subject 1 that Officer A harasses Subject 1 by frequently stopping him without justification in violation of Rules 1 and 2.</p>	Unfounded Unfounded Unfounded
Officer B	<p>1. It is alleged by Subject 1 that on or about February 12, 2018, near the vicinity of XXXX W. Grand Ave. Chicago, Illinois 60651, at approximately 8:30 p.m., Officer B asked Subject 1 for guns or drugs in exchange for his release in violation of Rules 1 and 2.</p> <p>2. It is alleged by Subject 1 that on or about February 12, 2018, at the location of the XX<sup>th</sup> District at approximately 8:30 p.m., Officer B performed a strip search of Subject 1 in violation of Rule 6.</p> <p>3. It is alleged by Subject 1 that Officer B harasses Subject 1 by frequently stopping him without justification in violation of Rules 1 and 2.</p>	Unfounded Unfounded Unfounded

Approved:

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*Acting Deputy Chief Administrator A*

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Date

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Acting Deputy Chief Administrator:</b>	Acting Deputy Chief Administrator A